

SECTION 11 SUPPLEMENTARY REGULATIONS

11.1 Agricultural Structures and Practices:

The following agricultural uses are exempt from these regulations.

11.1.1 Agricultural activities as defined under Section 4.2 of this ordinance.

11.1.2 Agricultural structures subordinate to the principal residence. All structures however, shall comply with property line setbacks.

11.1.3 The creation of parcels for agricultural or open space purposes, provided that an agricultural use covenant is recorded with the parcel restricting its use for agricultural or open space purposes, and that no building or structure requiring water for human consumption or sewage facilities will be erected or utilized. The covenant shall run with the real property and be binding on all parties having any right, title or interest in the property, or any part thereof, their heirs, executors, successors, administrators, and assigns, and shall bind each owner thereof.

11.1.4 Yard lights used for agricultural activities and structures as described under Section 11.1.

11.2 Agricultural Nuisance Acknowledgement:

Most of the property within the Springhill Planning and Zoning District is used for agricultural production. Owners, residents and other users of adjacent property may be subjected to inconvenience, discomfort, and the possibility of injury to property and health arising from normal and accepted agricultural practices and operations, including but not limited to noise; odors; dust; the operation of machinery of any kind, including aircraft; the storage and disposal of manure; the application of fertilizers, soil amendments, herbicides, and pesticides. Owners, occupants, and users of this property should be prepared to accept such inconveniences, discomfort and the possibility of injury from normal agricultural operations, and are therefore required to sign an acknowledgement setting forth this subsection when applying for a land use permit, conditional use permit, or application for subdivision review.

11.3 Employee Housing:

- 11.3.1 In addition to permitted dwellings, additional single-family dwelling(s) or mobile home(s) shall be permitted provided that they are occupied by full-time agricultural or guest ranch employees, and are subordinate to the primary residence.
- 11.3.2 One (1) employee housing unit shall be allowed for every 320 acres. The Planning and Zoning Commission may allow additional housing units if they find the circumstances warrant.
- 11.3.3 Minimum building width shall be twelve (12) feet.
- 11.3.4 Prior to the issuance of a Land Use Permit for an employee housing unit, the property owner shall place on file with the Planning Office an affidavit that said housing unit will be used to house persons employed on the premises for agricultural or guest ranch purposes.

11.4 Parking Requirements:

- 11.4.1 Two (2) off-street spaces shall be provided for each dwelling.
- 11.4.2 One (1) off-street parking space shall be provided for each twenty (20) square feet in any stand for the sale of products produced on the premises.
- 11.4.3 Two (2) off-street parking spaces shall be provided for each classroom and administrative office in any school.
- 11.4.4 For public buildings, i.e., fire and police stations or sites for public utilities: one (1) off-street parking space for each two hundred (200) sq.ft. of gross floor area.
- 11.4.5 One (1) off-street parking space for every five (5) occupants in any building used for public assembly, including club meetings.
- 11.4.6 Parking required for other uses shall be set forth by the Gallatin County Zoning Enforcement Agent, subject to appeal as outlined in this Ordinance.

11.5 Utility Uses:

Radio and television receiving antennas, and public utility distribution and transmission lines, both overhead and underground, are permitted without the necessity of first obtaining a building permit.

11.6 Guest Ranch Facilities.

11.6.1 The following regulations shall apply to all guest ranches:

- a. Individual guest ranch quarters shall not contain kitchen or cooking facilities. Central kitchen and cooking facilities are allowed.
- b. Guest ranches shall provide or have direct access to riding trails or other recreational facilities which will tend to limit off-site automobile travel.

11.6.2 Guest ranch quarters shall not be offered for rent or sale as any dwelling unit.

11.7 Temporary Occupancy:

Temporary occupancy during the construction of a principal residence is a conditional use in all districts and is subject to the following requirements;

11.7.1 State Department of Health and Environmental Sciences permits must be obtained when required.

11.7.2 Temporary occupancy may be permitted with a special permit issued upon application by the Springhill Planning and Zoning Commission. Such occupancy shall be limited for a period not to exceed 18 months where all the following conditions exist:

- a. A land use permit for a permanent dwelling has been issued;
- b. A mobile home or other form of temporary housing must not violate any valid existing deed restrictions;
- c. Temporary housing must comply with all siting requirements in the Ordinance;
- d. The temporary site shall have bear-proof refuse facilities;

- e. Temporary housing shall not be moved on site nor utilized for occupancy until sewage disposal and water supply systems are installed that meet all State and County Health Department regulations.

11.8 Site Distance at Intersecting Streets:

All intersections shall be free of visual obstruction for a distance of fifty (50) feet in any direction from the intersection.

11.9 Bed and Breakfast Inns:

All bed and breakfast inns shall be subject to the following regulations.

11.9.1 The bed and breakfast inn must be the proprietor's actual residence.

11.9.2 Meals shall only be served to registered guests.

11.9.3 There shall be no alteration to the exterior of the structure which would change the character thereof. Any alteration to the exterior of the structure which is for the purpose of increasing the number of guest rooms shall be reviewed as a conditional use.

11.9.4 The number of guest rooms shall be limited to four (4).

11.9.5 One parking space per guest room shall be provided, in addition to the two (2) parking spaces required for a single family dwelling unit. All parking shall be off-street.

11.9.6 Signs shall be of rustic wood with recessed lettering, illuminated by hooded spot lights directed at the sign. Signs shall be mounted or hung on wooden posts, and only one (1) sign per establishment shall be permitted. Moving signs and flashing, oscillating lights shall be prohibited. Maximum area of the sign shall be twelve (12) square feet.

11.10 Signs:

All signs shall be subject to the following requirements.

11.10.1 No blinking, neon, temporary, or portable signs shall be permitted in the planning district. Signs shall be made of wood, be rustic in appearance, and shall only be illuminated indirectly.

11.10.2 Agricultural Uses: One (1) identification sign, not to exceed twenty (20) square feet.

11.10.3 Residential Subdivisions: One (1) identification sign, not to exceed twenty (20) square feet.

11.10.4 Residential Uses: Signs identifying a residence may be placed by the owners on their property. It should be visible from the road but not be larger than three (3) square feet. It must be harmonious with the surrounding environment in its design, material, and color.

11.10.5 Real Estate, Architect, Contractor/Builder, Developer: One (1) identification sign, not to exceed six (6) square feet.

11.10.6 Commercial Business: One (1) identification sign, not to exceed (20) square feet.

11.10.7 Signs of a temporary nature not to exceed 18"x 24" such as "Open House", "Model", or political signs must be removed when not in use. Larger signs and banners are permitted only for community functions and must be removed immediately after the function.

11.11 Exterior Lighting:

Any exterior lighting for any use shall be arranged and shielded so that the light source cannot be seen from adjacent roads or property and so that no direct beams fall upon other private property.

11.12 Design Standards:

A design manual for the Springhill Planning and Zoning District has been prepared by the Springhill Community Planning Advisory Committee. It is highly recommended that all persons planning to purchase and develop property within the district carefully read the manual.

11.12.1 The location of sub-surface septic disposal systems shall be located on suitable soils. A septic permit shall be issued or applied for prior to the issuance of a Land Use Permit.

11.12.2 Residential structures, including caretaker homes, guest houses, mobile and manufactured homes, and accessory structures shall meet the following standards:

- a. No structure shall exceed thirty-five (35) feet in height. Structures on non-wooded sites shall not exceed twenty-four (24) feet in height.
- b. Minimum width for dwelling units shall be twenty-four (24) feet.
- c. All structures shall have a minimum roof pitch of not less than one (1) foot of rise for every four (4) feet of horizontal run (1:4).
- d. All dwelling structures shall be built on mortared block or concrete foundations. Exposed foundations must be painted, stained, stuccoed, board formed or textured. Unfinished concrete or masonry is not allowed, except for a minimum height of eighteen (18) inches above grade.
- e. Exterior siding shall not be made of asphalt.
- f. All waste containers shall be screened with materials that are compatible with the structures it serves.
- g. Where a building location for a dwelling is devoid of trees, three (3) trees shall be planted for every 1000 square feet of living space. Trees shall be planted within 100 feet of the exterior of the principal structure.

11.12.3 Mobile homes and manufactured housing shall meet current Department of Housing and Urban Development (HUD) codes.

11.12.4 Waste receptacles, refuse storage areas, and junked vehicles or equipment shall be screened from view from neighboring properties and public roads.

SECTION 12 NON-CONFORMING PARCELS, USES AND STRUCTURES

12.1 Intent:

Within the districts established by this ordinance or amendments thereto, there exist parcels, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated, or restricted under terms of this Ordinance or future amendments. It is the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Non-conforming uses are declared by this Ordinance to be incompatible with permitted uses in the district involved. However, to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment to this Ordinance, and upon which actual building construction has been carried on diligently. Actual construction is defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has been begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

12.2 Non-Conforming Parcels of Record:

In any district, notwithstanding other limitations imposed by this ordinance, structures permitted in said district may be erected on any single parcel of record on the effective date of this ordinance. A parcel of record that does not meet parcel area or parcel width requirements must still meet other requirements of the district.

12.3 Non-Conforming Uses of Land:

Where at the time of passage of this Ordinance lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

12.3.1 No such non-conforming use shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.

12.3.2 No such non-conforming uses shall be moved in whole or in part to any portion of the parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance.

12.3.3 If any such non-conforming use of land ceases for any reason for a period of more than ninety (90) days, any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.

12.3.4 No additional non-conforming structure in connection with the requirements of this ordinance shall be erected in connection with such non-conforming uses of land.

12.4 Non-Conforming Structures:

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restriction on parcel area, parcel coverage, height, yards, its location on the parcel, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

12.4.1 No such non-conforming structure may be altered or enlarged in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

12.4.2 Should such non-conforming structure or non-conforming portion of a structure be destroyed by any means to the extent of more than 50 percent of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this ordinance.

12.4.3 Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

12.5 Non-Conforming Uses of Structures:

If lawful use of a structure or of structures and premises exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, providing that:

- 12.5.1 No existing structure devoted to a non-conforming use shall be enlarged, extended, constructed, or structurally altered, unless the use is changed to a permitted use.
- 12.5.2 Any non-conforming use may be extended to any other part of a building designed for such use, but no such use may be extended in any way to occupy land outside the building.
- 12.5.3 Non-conforming use of building, structures, or premises may be changed to another non-conforming use, provided that a conditional use permit is obtained from the Springhill Planning and Zoning Commission. In determining whether or not to grant the conditional use permit, the Springhill Planning and Zoning Commission shall determine that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use.
- 12.5.4 Any structure, or structure and land, in or on which a non-conforming use, if superseded by a permitted use, shall thereafter conform to the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed.
- 12.5.5 Whenever a non-conforming use of a structure or a premises ceases, the structure or premises shall not thereafter be used except in conformance with the regulations of the district in which it is located. The term "ceases" as used in this subsection shall mean that the activity in question has not been in operation for a period of ninety (90) days.
- 12.5.6 Where non-conforming use status applies to both structure and land, the removal or destruction of the structure shall eliminate the non-conforming status of the land.

12.6 Repairs and Maintenance:

On any non-conforming structure or portion of the structure containing a non-conforming use, work may be done on ordinary repairs and fixtures, wiring, plumbing, or repair or replacement of non-bearing walls, to an extent not exceeding 10 percent of the replacement value of the building in any one year, provided that such work does not increase the cubic content of the building. Nothing in this ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

12.7 Conditional Uses:

Conditional uses provided for under Section 13 of this Ordinance shall not be deemed a non-conforming use in the district in which it is permitted.